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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,337	04/13/2004	Klony Lieberman	U 015110-2	4498
7590		10/16/2007		
Ladas & Parry 26 West 61st Street New York, NY 10023				
			EXAMINER VILLECCO, JOHN M	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 10/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/823,337

Applicant(s)

LIEBERMAN ET AL.

Examiner

John.M. Villecco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 25-39 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 is/are allowed.
- 6) ☒ Claim(s) 19-22 is/are rejected.
- 7) ☒ Claim(s) 23 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :07/01/2004, 10/28/2004, 01/05/2006, 06/20/2006, 01/26/2007.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election of Species I in the reply filed on September 21, 2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 25-39 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on September 21, 2007.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 19, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maula (U.S. Patent No. 6,218,967) in view of Torunoglu et al. (U.S. Publ. No. 2003/0132921).**

5. Regarding *claim 19*, Maula discloses an apparatus for the optical remote control of an apparatus. More specifically, as related to the applicant's claim language, Maula discloses a data entry apparatus (keyboard, 4) for use with at least one partially light transmissive user finger

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engagement surface (surface of glass or the like, col. 1, lines 40-53). Further, Maula discloses an illuminator (light sources, 2) to illuminate the finger engagement surface and the use of receivers (6) for detecting the light reflected from the finger engagement surface due to a finger. See column 1, lines 37-40. The receivers (6) are located inwardly of the finger engagement surface (surface of the glass). See Figs. 1-4. Additionally, Maula discloses the use of a processor (col. 2, lines 15-30) for interpreting the reflect light into an inputted data entry.

Maula, however, fails to explicitly disclose that the receiver for receiving the light reflected from the finger engagement surface is a two dimensional image sensor. Torunoglu, on the other hand, discloses that it is well known in the art to use a two dimensional image sensor to capture the position of a users finger during an optical data entry operation. More specifically, Torunoglu discloses the use of two-dimensional image sensor (107) for capturing the position of the finger. See paragraph 0039. One of ordinary skill in the art would readily recognize that the use of a two dimensional image sensor rather than the simple receivers or Maula, would provide for the use of a single sensor, the ability to detect the position of many keys of a keypad, and the use of less components. Therefore, it would have been obvious to use a two-dimensional image sensor in the device of Maula for the above stated reasons.

6. As for **claim 20**, Maula also discloses that the illuminator (light sources, 2) is also located at a location inwardly of the engagement surface.

7. Regarding **claim 21**, as mentioned above in the discussion of claim 19, the combination of Maula and Torunoglu discloses all of the limitations of the parent claim. However, neither of the aforementioned references specifically discloses that the finger engagement surface comprises a one-dimensional array of a plurality of finger engagement surfaces. Even though

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Maula discloses the use of a two-dimensional array, one of ordinary skill in the art could have easily contemplated and designed a one-dimensional array given the teachings of Maula. A one-dimensional array would provide for customized data entry for specialized products with a reduced number of parts and inherently a lower cost. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the finger engagement surface a one-dimensional array in order to customize the device while also reducing costs.

8. With regard to *claim 22*, Maula discloses that the finger engagement surface includes a two-dimensional array of a plurality of finger engagement surfaces. See the keyboard (4) shown in Figures 2 and 3.

***Allowable Subject Matter***

9. Claims 23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 23, the primary reason for indication of allowable subject matter is that the prior art fails to teach or reasonably suggest that the data entry device also includes an illumination director cooperating with the illuminator for providing an illumination beam generally parallel to the finger engagement surface.

11. Claims 1-18 are allowed.

12. The following is an examiner's statement of reasons for allowance:

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Regarding claim 1, the primary reason for allowance is that the prior art fails to teach or reasonably suggest a vehicle with at least one lockable entry portal and portal unlocking functionality, at least one partially light transmissive user finger engagement surface accessible from outside the chassis, and a two dimensional imaging sensor viewing the finger engagement surface from a location inwardly of the finger engagement surface for sensing light from illuminator scattered by a users finger, and a data entry process providing data entry input to the portal unlocking functionality.

As for claim 7, the primary reason for allowance is that the prior art fails to teach or reasonably suggest an access control apparatus for use with a vehicle having lockable entry portal and portal unlocking functionality and also including a partially light transmissive user finger engagement surface accessible from outside the chassis, a two dimensional imaging sensor viewing the finger engagement surface from a location inwardly of the finger engagement surface for sensing light from illuminator scattered by a users finger, and a data entry process providing data entry input to the portal unlocking functionality.

With regard to claim 13, the primary reason for allowance is that the prior art fails to teach or reasonably suggest an access control apparatus for use with an enclosure having at least one lockable entry portal and portal unlocking functionality and also including a partially light transmissive user finger engagement surface accessible from outside the enclosure, a two dimensional imaging sensor viewing the finger engagement surface from a location inwardly of the finger engagement surface for sensing light from illuminator scattered by a users finger, and a data entry process providing data entry input to the portal unlocking functionality.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (571) 272-7319. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



John M. Villecco  
Primary Examiner, Art Unit 2622  
October 12, 2007